

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marco FILICORI
Title: UNITARY COMBINATIONS
OF FSH AND hCG
Appl. No.: 10/559,610
Filing Date 01/31/2006
Examiner: Regina M. Deberry
Art Unit: 1647
Confirmation 1532
Number:

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. §1.705

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests reconsideration of the Patent Term Adjustment (PTA) determined for the application.

The Patent Office determined that the application was entitled to 37 days of PTA. It appears that the RCE filed on 03/19/2010 was entered as having been filed 03/19/2009. This error on the part of the Patent Office impacts the overall PTA calculation and award. Moreover, Applicant believes that this PTA determination does not take into account PTA due under 35 USC § 154(b)(1)(B).

Applicant has calculated PTA for the captioned application, and has determined that the application is entitled to 256 days PTA, as shown on the attached sheet, which shows the relevant delays under 37 CFR §§1.702(a) and (b), and under 37 CFR §§1.703(a) and (b).

The attached sheet details the circumstances during the prosecution of the application resulting in PTA deductions under § 1.704.

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(a) Total of non-overlapping PTO delay under §154(b)(1)(A) & (B): 682 days
(b) Total Applicant delay: 426 days
Final PTA Determination: 256 days

Applicant therefore respectfully requests that the patent be accorded 256 days PTA, or more if it takes longer than 4 months for the patent to issue.

The application is not subject to a terminal disclaimer.

As this Request is being filed due to Patent Office errors, Applicant believes no fee is due with this Request. However, the Commissioner is authorized to charge any fees which may be due to Deposit Account No. 19-0741.

Respectfully submitted,

Date May 31, 2011

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